

1873-001

Lee Co.

CHANCERY CAUSES:

A. M. Ely, surv. &c vs. John W. Calson

A. M. Ely & Co., Cook, Miles, Calson

CA-Debt

To the Honorable Henry J. Morgan Judge of
the County Court of Lee County -

The bill of Complaint of A. M. Ely
surviving partner of himself and Charles Leach
and F. S. Miles deceased late merchants and
partners trading under the firm style and
name of A. M. Ely & Co, who was for the
benefit of John M. Leach and Charles S. Leach
administrators of the estate of Charles Leach
deceased, humbly complaining sheweth unto
your Honor, that one John W. Colson late of
this County became indebted to the said firm
and on the 3^d day of October 1856, executed his
writing obligatory sealed with his seal and signed
with his proper name, the date whereof is the
day and year aforesaid, whereby the said
Colson bound himself to pay the said firm
on or before the first day of November, next
after the date thereof the sum of \$7.55 which
said sum is still wholly unpaid, and due your
complainant; the said bond evidencing the
same is herewith filed marked "A" and is
prayed to be considered herewith -

The said Colson was also indebted to the said
firm in the sum of \$7.50 for which he on
the 3^d day of January 1856, executed his cer-
tain after writing obligatory binding himself
to pay said firm by their firm name the said
sum of \$7.50. one day after the date thereof

This bond is also wholly unpaid and is still due your orator, and is also filed here with marked "B." and is prayed to be considered herewith. Your complainant further alleges that the said John Colson has removed from this Commonwealth, and now resides in the State of Kentucky, but that he owns, and interest in a tract of land situated in this County, in the neighborhood, Cumberland Gap, on the main Virginia road leading thereto, and near to and perhaps adjoining the lands of the estate of R. M. Ely deceased, the rents and profits of which will not in five years pay said debts, this land is the same owned by his late father Snow Colson now deceased and on which his mother Sarah Colson now resides. The object of this bill is to subject said lands to the payment of your orator's claim, and to sell so much thereof as will pay and discharge the same - Your Complainant's prayer therefore is that said John W. Colson be made a party defendant to this bill and answer its allegations on oath that upon a hearing a decree be rendered in conformity to the object of this bill and for all other further and general relief that may appear.

O. Hagan & Son, Attorneys

H.P.

A. M. Ely Surrogate

vs } Bill Ely

Jah W. Colson

Exhibits A & B filed -

1872 Sept 19th Bill filed, O.P.
" Oct conts for O.P.
" Nov " for O.P.
" Dec " " "
1873 Jan 6th O.P. Comptroller's Office
" Feb Decree in Conts
" March set for hearing by Ref.
" April Decree for sale
" " Continued.
" " 20th Decree dismissing
" bill.

6.61

A M Ely ~~Lawyer~~ for re.

vs.

John W. Colson

} In Chy

For Reasons appearing to the Court. the decree entered in this cause on yesterday is set aside and thereupon the cause came on to be heard upon the bill and exhibits therewith, and was argued by counsel, and it appearing to the court that the claim sought to be recovered and enforced is less than \$20.00 and the court being of opinion that it has no jurisdiction thereof. It is therefore adjudged ordered and decreed that the selfs. bill be dismissed.

A. M. Ely & Co.

vs. } Dece

John H. Colson

Entered Order Book page
266.

James W. Orr. Clerk.

Enter Thos Dece

A. J. Morgan

April 23/73

A M Ey Sur for Pl.
against
John M. Colson

Plff } In leg
Deft }

This Cause come on this day to be heard
on the bill of the plaintiff which filed and
was argued by Counsel And it appearing that
process has been duly executed on the defendant
who fails to appear. The bill is then fore taken
for confessed. On consideration whereof it
~~appears~~ is adjudged ordered and decreed that
the plaintiff for the beneficiaries John M & Chas
L. Hunt administrators of the estate of Charles
Leach dec'd; recover against the defendant
the sum of \$17.65 with interest at 4% 55
per cent thereof from the 3rd of October 1856 and
interest on \$7.50 the residue from the 4th day
of January 1856 till paid and the costs of
this suit. And it also appearing that an attachment
has been sued out in this case ^{from the 20th of September 1872} and laid upon
the land endorsed upon the writ as the property of
the defendant to the extent of his interest, which
land lies in said County near Cumberland gap and
descended to the said defendant from his father
and is now in the possession of But this court
not being satisfied that the rents and profits of this
land will not pay the amount of this decree with
costs within It is therefore ~~further~~ adjudged
and decreed that Charles L. Hamblin Sheriff of this County
procure and sell said lands owned by defendant
or such part thereof as may be necessary to pay
the amount of this decree and costs of sale. The land
is directed to be sold upon the premises upon a credit
of 12 months the purchaser giving bond with security
for the payment of the purchase money bearing interest
from the day of sale and waiving their homestead
exemption of which sale and its terms due notice
will be posted in the neighborhood at least
20 days previous to such sale. The said
Sheriff will report his action to this court and
the cause is continued But before the plaintiff
or beneficiaries are entitled to the benefit of this decree
they are required to execute bond before the clerk of
this court in the penalty of \$100.00 and make payable
to the defendant Conditioned to perform such future

order or decree as may be made upon the defendants
appearing and nothing definite, which bond will be
lited in the papers of the cause, the Sheriff will
report his action and the cause is continued

Edm Chy Surgo

vs. Secor

Jno W. Colson

Entered Order Book
page 259.

James W. Br. Clerk.

Enter this Decree

Henry Morgan

April 22/73

A. M. Ely executor for the

vs.

John W. Colson

vs.

} In chancery

This day John M. Cook personally appeared before me and made oath that John W. Colson is a non resident of this commonwealth, and that he is indebted to the plaintiff in this suit in the sum of \$2.50. with legal interest thereon from the 3^d day of Oct 1856, and in the sum of \$2.50. with legal interest thereon from the 4th day of Jan. 1856.

Given under my hand this 19th Sept 1877

James H. Orr, Clerk.

A. M. Eby Sur. for 42.

vs & Affidavit

John W. Calson

Virginia

In the clerk's office of the County Court of Lee County, 19th
September 1872.

A. M. Ely Surmisor &c for &c

against

John W. Nelson

Plaintiff

Defendant

In Chancery

The object of this suit is to subject the defendants interest in the
lands annexed by his father Arua Nelson deceased, to the payment of
the plaintiffs claims, and to sell so much thereof as may be necessary
to pay and discharge the same, and it appearing from an affidavit
filed in the cause, that the defendant is a nonresident of this
Commonwealth, he is therefore ordered to appear here within one
month after due publication of this order, and do what is necessary
to protect his interest in this suit.

A copy,

Liste James W. Orr, Clerk.

I James W. Orr Clerk of the County Court of Lee County Virginia
do certify that on Monday the first day of the October term 1872
of said Court I posted a copy of the above order on the front
door of the Court house of said County.

James W. Orr, Clerk.

A. In. Ely Survefor &c
vs Copy of Order of Publication

John W. Calson

Copy mailed to Patriot & War
ald at Marion Tz, Sept 20/72
James W. Orr. 6th.

On or Before the first of November Next I promise to
pay to A. M. Ely & Co Nine dollars and $\frac{55}{100}$ Cents for
Value Rec^d, as Witness my hand and Seal Oct 2nd 1856

John W. Cole

Test
Wm. H. Ely

John Colvins
Gallies Lane
To Note } \$ 90.50

To A. W. Ely & Co

3

"A"

9.58
7.50
17.08

~~\$7.50~~

One day after date I bind myself
Heirs &c to pay to Saml Ely to Seven
Dollars and 50 Cents for value received
Wit neys my hand and seal ~~the~~ 3rd 1856

John W Colson

John W. Colson

To Note

Aug 30

C. W. 848/10

Char Hamblen
Admstr.

" 80 "

VIRGINIA: In the clerk's office of the
county court of Lee county, September
19, 1872.—

A. M. Ely, Survivor, &c., for &c.,.....Plt'ff
against

John W. Colson.....Def't
In Chancery.

The object of this suit is to subject the defendant's interest in the lands owned by his father, Arva Colson, deceased, to the payment of the plaintiff's claim, and to sell so much thereof as may be necessary to pay and discharge the same.

And it appearing from an affidavit filed in the cause that the defendant is a non-resident of this Commonwealth, he is therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect his interest in this suit.

A copy.—Teste,
sept 26-4w JAMES W. ORR, Clerk.

Virginia, to Wit: We hereby
certify that the annexed notice
has been published in the
Marion (v.a) Patriot & Herald for
4 consecutive weeks, as required by
Law.

October 24, 1872. Gatewood & Venable

Printers fee, \$5.00

The Clerk will make the following entry in the
deed book and index the same as a deed.

"A. M. Ely, survivor & c. vs. J. W. Colson
vs. J. W. Colson & c. vs. J. W. Colson & c."

vs

John W. Colson

John W. Colson

Sept. 1

The following lands have been lived on in
the above cause, to satisfy the plaintiff demand
all his undivided interest in a tract of land
situated in Lee County Va in the vicinity of
Cumberland Gap on the main road leading
thereto and near the lands of the late R. M. Ely,
deceased, and which was owned by the said John
W. Colson's father Arch. Colson deceased, and on
which his mother Sarah Colson now lives.

Wagon & Pridemore, for Plff

L. M. Ely Suror for &c.

vs J. Hens.

John W. Colson.

Recorded in Deed Book
No 16 page 542.

James W. Orr, clk.

Notice And for Sale

Pursuant to a decree rendered in a Chancery
Cause pending in the County Court of Lee
County Va. wherein A. M. Ely for &c. is plaintiff
and John W. Colson is defendant. &c. The
undersigned Sheriff of said County will
sell on the day of
at the residence of Sarah Colson widow of
Arva Colson dec'd. the interest of John W. Colson
in the lands which descended to him from
his father Arva Colson situated in said
County near Cumberland Gap - which sale
will be made to satisfy a decree rendered in
said Cause, but if a less quantity than the whole
shall satisfy said decree then only so much
as may be necessary for this purpose & shall be
sold - The sale will be made on a credit
of 12 months bond with security waiving the
homestead during interest from the day of sale
shall be required,

A m Ely su ps

of notice

In no below

The Commonwealth of Virginia.

To the Sheriff of Lee County....GREETING:

WE COMMAND YOU TO SUMMON

John W. Balsan

to appear before the Judge of our *County* Court of Lee County, at the Court House in the Clerk's Office, at Rules to be holden for said Court on the first Monday in *October*

next to answer a bill in Chancery exhibited in our said Court ~~by~~ *against him by A. M. Ely*
Successing partner of himself and Charles Bank and T. S. Miles deceased,
late merchants and partners trading under the firm and style of A. M. Ely & Co
in business for the benefit of John B. Bank and Charles B. Bank Administrators of Charles Bank decd.

And have then there this writ. Witness JAMES W. ORR, Clerk of our said Court, at the Court House, this *19th* day of *September* 1872 in the *97th* year of the Commonwealth.

James W. Orr. Clerk.

A copy

Teste - James W. Orr, Clerk.

The proper affidavit having been made, the officer serving this process, is ordered to attach the Estate of John W. Colson, and the same in his hands so attached, so to secure and provide that the same may be forthcoming and liable to the future order of the Court.

A copy
Teste James W. Orr Clerk.

THE COMMAND FOR TO SUMMON

To the Sheriff of the County... EXECUTING

The Commonwealth of Virginia

The Commonwealth of Virginia.

To the Sheriff of Lee County....GREETING:

WE COMMAND YOU TO SUMMON

John W. Butler

to appear before the Judge of our County Court of Lee County, at the Court House in the Clerk's Office, at Rules to be holden for said Court on the first Monday in October

next to answer a bill in Chancery exhibited in our said Court ~~by~~ against him by *A. W. Ely* surviving partner of himself and Charles Bank and *H. S. Miles* deceased, late merchants and partners trading under the firm and style of *A. W. Ely & Co*, who sues for the benefit of *John W. Bank* and *Charles H. Bank* Administrators of *Charles Bank* dead.

And have then there this writ. Witness JAMES W. ORR, Clerk of our said Court, at the Court House, this 17th day of September 1872 in the 97th year of the Commonwealth.

James W. Orr Clerk.

Later R.
A. M. Ely Surve for &c
vs Spe in Chancery

John W Balsam
October Rules 1872

I have executed the order of attachment & served the same on the deft
John W Balsam is undoubted
interest in the lands owned
by his father John Balsam in
his lifetime, which land lies
in the County Virginia, in the
vicinity of Cumberland Gap
on the main road & near the house
of the late R. M. Ely decd.
This September 20th 1872

E. Anderson D.S.
for C. S. Hamlen & sc

The proper affidavit having been made the officer issuing this
process, is ordered to attach the Estate of John W Balsam, and the
same in his hands so attached, so to secure and provide that
the same may be forthcoming and liable to the future order
of the Court.

James M. Orr Clerk